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RONALD O. NICHOLS
General Manager

March 22, 2013

Ms. Bernadette N. Lovato
Field Manager
United States Department of the Interior
Bureau of Land Management
Bishop Field Office
351 Pacu Lane, Suite 100
Bishop, California 93514

Dear Ms. Lovato:

Subject: Right-of-Way CACA 50145 (Dust Control Area T5-1)

The City of Los Angeles Department of Water and Power (LADWP) holds Right-of-Way ROW CACA 50145 (ROW), enclosed for your reference, to operate a pipeline and drip irrigation system and related facilities on approximately 31 acres of United States Bureau of Land Management (Bureau) land that is located 0.3 miles southwest of Dirty Socks within LADWP's Owens Lake Dust Control Area T5-1 Addition (DCA T5-1 Addition), also known as T5-B in the Great Basin Unified Air Pollution Control District's (District) 2008 Owens Valley PM10 Planning Area State Implementation Plan (2008 SIP) and Environmental Impact Report. LADWP uses the irrigation system and facilities authorized under the ROW for the Owens Lake Dust Mitigation Project, including in DCA T5-1 Addition.

LADWP recently became aware that the District intends to relocate one of its existing air monitors to DCA T5-1 Addition. Under the stipulations enclosed as Exhibit C to the ROW agreement, LADWP may only be required to share its use of the public lands within the ROW area and/or authorize third party use of these areas in limited circumstances, specifically: (i) only where the proposed use is determined to be compatible with LADWP's use of the ROW for dust mitigation purposes, and (ii) only after consultation with LADWP (see ROW, Exhibit C, Stipulation Nos. 2 and 3). LADWP objects to the District's proposed relocation of the monitor because it interferes with LADWP's use of the ROW for dust mitigation in DCA T5-1 Addition and adjacent areas, as discussed below. LADWP expects that the Bureau will consult with LADWP, as it is required to do before responding to any request by the District to relocate the monitor within the ROW.

Water and Power Conservation ...a way of life

111 North Hope Street, Los Angeles, California 90012-2607 Mailing address: Box 51111, Los Angeles 90051-5700
Telephone: (213) 367-4211 Cable address: DEWAPOLA

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
5708 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

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The installation of an air monitor within DCA T5-1 Addition, an active dust control area, is incompatible with LADWP's present use of the ROW lands, specifically the irrigation system and for ongoing dust control operations, for several reasons. Installing an air monitor would disrupt LADWP's ability to implement dust controls within the ROW area because the proposed access road and construction of the pad and surrounding fence enclosure for the monitor could cut across or come close to existing drip-irrigation lines, which could require relocation of the lines. Furthermore, construction activities and traffic would likely generate additional dust emissions in T5-1 Addition, which is already under a District Board Order to reduce dust emissions. Installation of the monitor in the T5-1 Addition would undermine the effectiveness of the dust controls there, making it more difficult to achieve compliance with the PM10 standards, ultimately negating the effectiveness of these controls and, as a result, negate the greater benefit to the public of reduced PM10 emissions resulting from LADWP's dust control efforts. These public benefits were a significant factor in the Bureau's decision to grant the ROW to LADWP and to waive the associated rental payment requirement (ROW, page 4.) A third party use of the ROW that conflicts so directly with LADWP's irrigation system and ongoing dust mitigation activities cannot reasonably be considered "compatible" with LADWP's legally authorized and publicly beneficial use of the ROW lands. Therefore, in accordance with Exhibit C to the ROW, the Bureau cannot approve the District's request to install the proposed air monitor.

In addition, the proposed location of the air monitor is on the Owens playa below the 3,600-foot regulatory (formerly "historic") shoreline elevation. The 2008 SIP calls for the use of "shoreline and near-shore PM10 monitors" for Dust ID modeling purposes as well as for evaluating compliance with the federal 24-hour PM10 standard. A "shoreline and near-shore PM10 monitor" is defined by the 2008 SIP as "...a fixed or portable USEPA-approved Federal Reference Method or Equivalent Method PM10 Monitor located approximately on the 3600-foot elevation (historic shoreline) contour, or within the Owens Valley Non-Attainment Area above the 3600-foot elevation." (2008 SIP, Ch. 8, Board Order 080128-01, Attachment B, page 2). Because the proposed location of the air monitor is below the 3,600-foot elevation contour, it violates the terms of the 2008 SIP.

Finally, installing a monitor in DCA T5-1 Addition would violate United States Environmental Protection Agency (USEPA) siting criteria contained in 40 C.F.R. 58 Appendix E. These criteria must be followed by the District "to the maximum extent possible" in order to ensure the accuracy, reliability, and integrity of the data collected from the proposed monitor by avoiding the influence of external factors such as roadways, minor emission sources, and other obstructions

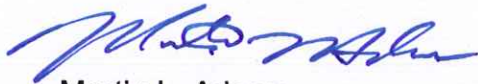
Ms. Lovato
Page 3
March 22, 2013

[40 C.F.R., App. E, §§ 1(a), (b)]. The data produced by the District's proposed monitor would undoubtedly be impacted by LADWP's ongoing dust control activities within the ROW, including operation and maintenance of the irrigation system, and therefore an inaccurate reflection of actual PM10 emissions within the area. The District would be unable to use data from the proposed monitor to show compliance with the National Ambient Air Quality Standards or as the basis for issuing future dust control orders to LADWP. Thus, not only would the proposed monitor be incompatible with LADWP's current use of the ROW, but it would also conflict with EPA's mandatory requirement of obtaining accurate, reliable and useful air quality data from the monitor.

In sum, LADWP objects to the installation of an air monitor in the T5-1 Addition ROW, or within any other surrounding Bureau lands that are being used for dust control mitigation.

If you have any questions or would like to consult with LADWP further regarding this significant issue, please contact me at (213) 367-1014, or Mr. William Van Wagoner, Manager of Owens Lake Regulatory Issues and Future Planning, at (213) 367-1138.

Sincerely,



Martin L. Adams
Director of Water Operations

WTV:jmm

Enclosure

c/enc: Mr. Theodore Schade, District
Mr. Michael Flagg, USEPA
Mr. William Van Wagoner, LADWP

**United States Department of the Interior****BUREAU OF LAND MANAGEMENT**

Bishop Field Office
351 Pacu Lane, Suite 100.
Bishop, CA 93514
Phone: 760 872-5000
Fax: 760 872-5050
www.ca.blm.gov/bishop

**OCT 31 2008**

CACA 050145

2800-P

CA170.10

Decision

Los Angeles Dept Water & Power
111 North Hope St., Rm 1468
Los Angeles, CA 90012

= Application for ROW CACA 50145
= Owens Lake Dust Mitigation
= Pipeline and Drip Irrigation Area

Right-of-Way Grant Issued
Rental Waived

On July 29, 2008 the Los Angeles Department of Water and Power (LADWP) filed an application for a 20+ year (renewable) right-of-way (ROW) grant for the construction, operation, maintenance, and termination of a pipeline and drip irrigation system with associated facilities under the authority of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976, (90 Stat. 2776, 43 U.S.C. 1761). The 31 +/- acre irrigation area would be used for PM10 dust mitigation as part of the overall Owens Lake Dust Mitigation Project currently being implemented within the Owens Lake basin. The area would contain; water sub-mains, a drip irrigation pipeline system, retaining and collection berms, access roads, filtration system and any other equipment needed for the irrigation system.

Under the Great Basin Unified Air Pollution Control District (GBUAPCD) 1998, 2003, revised 2005 State Implementation Plan and Environmental Impact Report the Los Angeles Dept. of Water and Power (LADWP) utilized various dust control methods on large areas of the Owens Lake shoreline in order to reduce PM10 emissions. Analysis of these control actions indicated that additional dust emitting areas would need treatment.

The Final GBUAPCD 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) and Environmental Impact Report (EIR) Phase 7 was written for the proposed dust mitigation actions on an additional 9,664 acres needing treatment in order to reduce Owens Lake PM10 emissions to the National Ambient Air Quality Standards level by 2010.

The GBUAPCD 2008 SIP EIR for Phase 7 showed that about 31 acres of public land located 0.3 miles southwest of Dirt Socks and known as Dust Control Area (DCA) T5-B (as shown in the EIR, and shown as T5-1 on the project map) would require dust

LADWP Drip Irrigation Area, Decision
CACA 050145
Page 2 of 5

mitigation. Under the Phase 7 additional mitigation project, T5-B is a small part of a larger 9,664 acre area of lakebed which would be mitigated. As part of the larger dust mitigation project, LADWP has proposed to mitigate the dust problem on public land at T5-B. This proposal is acceptable to the BLM and has led LADWP to the filing of the ROW application for the proposed project. LADWP also requested that the annual rental fee be waived for the project based on the construction and long-term operation costs of mitigating the PM10 dust emissions on public land.

The Phase 7 mitigation is expected to continue to reduce health hazards for residents of the nearby towns of Keeler, Olancho, Cartago and Lone Pine, and improve the ability to control and manage PM10 concentrations, and improve air quality in the neighboring environment.

The application for the right-of-way is generally located in:

Mount Diablo Meridian, California,

T. 18 S., R. 37 E.,

Section 34, NW1/4 of the SE1/4;

Containing 31 acres more or less.

The proposed action has been analyzed under environmental document "Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) DOI-BLM-CA-070-2009-0006 DNA". The DNA was based on the following environmental document: The Great Basin Unified Air Pollution Control District 2008 Owens Valley PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) and Final Subsequent Environmental Impact Report (EIR) for Phase 7 and the underlying SIP EIR documents Volume I, II, and III dated January 14, 2008. This document can be found on the GBUAPCD's website.

This project has impacts on environmental resources and mitigation has been used to minimize cited impacts or lower impacts to a non-significant level except for Green House Gas emissions.

The potential significant impact to air quality concerns the levels of Green House Gas (GHG) emissions from the construction phase of the project. The GBUAPCD points out that there is a lack of agency-adopted standards for which to determine whether the potential cumulative impact is or is not significant. The project does incorporate

LADWP Drip Irrigation Area, Decision**CACA 050145****Page 3 of 5**

mitigation measures that substantially reduce GHG emissions during construction. The portion of GHG emissions originating from the construction phase of the 31 acres of public land is not considered by the BLM to be significant in relation to the total emissions of the 9,664 acre project and potentially represents 0.3% of the GHG emissions for the whole dust mitigation project. Since the construction for the 31 acre drip irrigation system does not involve a complete grading of the surface area, the GHG emissions for this aspect of the overall dust mitigation project are extremely low, and with mitigation fall below the significant level. Concerning GHG emissions and potentially Global Warming impacts, current regulations and standards in regards to greenhouse gases have not been developed and finalized, and the BLM finds that it cannot be determined to a reasonable degree of certainty that the proposed 31 acre project would result in a considerable incremental contribution to the significant cumulative impact of global climate change.

The above cited 2008 SIP EIR describes, analyzes, and mitigates the proposed action to below non-significant levels and is acceptable to the BLM with mitigation as described the SIP EIR and with standard stipulations within the Grant document. The document constitutes BLM compliance with the requirements of NEPA.

Under the authority of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761) Title V, as amended, I hereby issue to the LADWP a Right-of-Way Grant CACA 050145 to construct, operate, maintain, and terminate a 31 +/- acre pipeline and drip irrigation area with associated facilities. The area would contain water sub-mains, a drip irrigation pipeline system, retaining and collection berms, access roads, filtration system, and any other equipment needed for the irrigation area. The ROW area is located as per the Grant document Exhibits A and B. The ROW is granted for 27 years + 2 months (renewable) with standard ROW stipulations and the stipulation cited below (Grant document Exhibit C). The ROW will expire on December 31, 2035. It is expected that LADWP may apply for renewal of the ROW prior to the 2035 expiration date. The annual rental for the ROW is waived. This decision is in full force and effect upon signature.

The stipulations described below apply to the construction phase of the project.

1. LADWP agrees to incorporate any and all mitigations measures which apply to the construction of the pipeline and irrigation area for the Dust Control Area (DCA) T5-B (T5-1) project, as cited in the Great Basin Unified Air Pollution Control District 2008 Owens Lake PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) Final Subsequent Environmental Impact Report (EIR) Volume I, II, and III. Mitigation measures for the action are located in Volume I Executive Summary of the 2008 SIP and EIR.

LADWP Drip Irrigation Area, Decision
CACA 050145
Page 4 of 5

The use of a "right-of-way" authorization is proper due to the lineal nature of the various facilities and structures placed within the shallow flood area, such as, pipelines, roads, berms, and water collection ditches and pipelines. Under 43 CFR 2801.6(a)(1), the BLM is given authority to issue right-of-ways on public land for "...systems and facilities which are in the public interest and which require the use of public lands for the purposes identified in 43 U.S.C. 1761".

Under 43 CFR 2806.15(b)(1), the BLM may waive or reduce the rental payment when the holder is a non-profit organization, corporation, or association which is not controlled by, or is not a subsidiary of, a profit making corporation or business enterprise and the facility or project will provide a benefit or special service to the general public or to a program of the Secretary. I have waived the annual rental for the ROW due to LADWP's anticipated multi-million dollar cost of mitigating PM10 dust emissions on the public land and the Owens Lake. LADWP is providing a valuable benefit to the general public by undertaking the dust mitigation project thereby reducing PM10 emissions on public land and throughout the Owens Lake basin.

Although there will be unavoidable minimal impacts to various resources such as; loss of up to 31 acres of scrub vegetation, permanent removal of nesting and brooding snowy plover habitat (which has been mitigated), and loss of common wildlife habitat on the 31 acres of public land under the proposed action,; there will be a increased reduction of PM10 emissions from the 31 acres of public land. These PM10 emissions are a human health, air quality, and visual quality problem which override the potential resource impacts resulting from the Owens Lake dust mitigation construction and operation project. The loss of some shadscale scrub vegetation is an unavoidable impact, but the surrounding public land has thousands of acres of similar vegetation. The drip irrigation system will enhance the existing vegetation and will promote new growth of saltgrass and other vegetation species and provide new habitat for the snowy plover and other shore-bird types.

It is in the public interest to authorize the use of public land by the Los Angeles Department of Water and Power so that the 2008 State Implementation Plan and the Phase 7 Project for the Owens Lake Dust Mitigation Program can be implemented. PM10 dust mitigation on public land will dramatically reduce PM10 emissions originating from public land located southwest of Dirty Socks and will contribute to the overall reduction of PM10 emissions from Owens Lake to the levels as required by the National Ambient Air Quality Standards by 2010. There is an overall health benefit from PM10 emission reduction and a general improvement of air and visual quality for Keeler, Olancho, Cartago, Lone Pine and the Owens Valley especially during high wind events. The PM10 Dust Mitigation Project is a comprehensive effort to reduce dust emissions

LADWP Drip Irrigation Area, Decision**CACA 050145****Page 5 of 5**

from lands in the Owens Lake basin. The public land identified as Dust Control Area T5-B (T5-1) is contributing to the emission problem and should be part of this effort.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted:

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Joe Pollini
Acting Field Manager
Bishop Field Office

Enc: Appeal Form 1842-1
Grant CACA 050145

ROW Monitoring Fee Category Determination Decision for FLPMA and MLA Rights-of-Way

Application Serial No. CACA 050145
 Applicant: LOS ANGELES DEPT OF WATER AND POWER
 Address: 111 N. HOPE ST., RM 1408
LOS ANGELES, CA 90012
 Agent: MILAD TAGHAVI, PAUL PAU
 Address: SAME AS ABOVE
 Location: T5-1 AREA WEST OF DIRTY SOCKS

<u>Personnel Needed for Monitoring</u>	<u>Estimated Monitoring Hours</u>
Realty Specialist/Land Law Examiner	<u>40</u>
Cultural/Paleontological Resources	<u> </u>
T&E Species	<u> </u>
Wildlife/Fisheries	<u> </u>
Air/Water/Soils	<u> </u>
Recreation/Visual	<u> </u>
Range	<u> </u>
Administration/Contracting	<u> </u>
Fluids/Minerals	<u> </u>
Manager	<u> </u>
Other <u> </u>	<u> </u>
Other <u> </u>	<u> </u>
TOTAL HOURS	<u>40</u>

The appropriate Monitoring Category for this action is Category IV. The Monitoring fee for this Category is \$1040. Monitoring fees for Categories 1-4 are non-refundable. See attached table for category definitions and fee schedule.

Prepared By: [Signature]

10-28-08

Realty Specialist

Date

Approved By: [Signature]

10-28-08

Authorized Officer

Date

ROW Processing Fee Category Determination Decision For FLPMA and MLA Rights-of-Way

Application Serial Number: CACA 050145
 Applicant: LOS ANGELES DEPT OF WATER AND POWER
 Address: 111 N. HOPE ST, RM 1468
LOS ANGELES CA 900102
 Agent: MILAD TAGHAVI, PAUL PAU
 Address: SAME AS ABOVE
 Application For: PIPELINE AND DRIP IRRIGATION SYSTEM AREA
 Location: T5-1 AREA WEST OF DIRTY BECKS

Pre-Application Meeting Held: No ☒ Yes VARIOUS (date)

Land Use Plan Conformance? No ☒ Yes

Estimated Processing Requirements:

Type of ROW: ☒ FLPMA MLA

NEPA Action Required: EIS EA ☒ DNA CE/CX

<u>Personnel Needed for Processing</u>	<u>Estimated Processing Hours</u>
Realty Specialist/Land Law Examiner	<u>24</u>
Cultural/Paleontological Resources	<u>16</u>
T&E Species	<u> </u>
Wildlife/Fisheries	<u> </u>
Air/Water/Soils	<u> </u>
Recreation/Visual	<u> </u>
Range	<u> </u>
Fluids/Minerals	<u> </u>
Administration/Contracting	<u> </u>
Manager	<u>2</u>
Other <u>ENV COORDINATOR</u>	<u>2</u>
Other <u> </u>	<u> </u>
TOTAL HOURS	<u>44</u>

The appropriate Processing Category for this application is Category IV. The Processing fee for this Category is \$ 1040. Processing fees for Categories 1-4 are non-refundable. See enclosed table for Category definitions and fee schedule.

Prepared By: [Signature]
 Realty Specialist

10-28-08

Date

Approved By: [Signature]
 Authorized Officer

10/28/08

Date

Form 2800-14
(August 1985)UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office

Bishop Field Office

Serial Number

CACA 050145

RIGHT-OF-WAY GRANT/~~TEMPORARY USE PERMIT~~1. A (right-of-way) ~~permit~~ is hereby granted pursuant to:

- a. ☒ Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. ☐ Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. ☐ Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Los Angeles Department of Water and Power receives a right to construct, operate, maintain, and terminate a Pipeline and Drip Irrigation System on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Mount Diablo Meridian,

California,

T. 18 S., R. 37 E.,

Section 34,

NW1/4 of the SE1/4,

amounting to 31 acres +/-;

more accurately depicted on

Exhibit A dated 10-15-08.

- b. The right-of-way or permit area granted herein is _____ feet wide, _____ feet long and contains _____ acres, more or less. If a site type facility, the facility contains 31 +/- acres.

- c. This instrument shall terminate on December 31, 2035 27 + 2 mns years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument ☒ may ☐ may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B and C, dated October 15, 2008, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

APPROVED AS TO FORM AND LEGALITY
ROCKARD J. DELGADILLO, CITY ATTORNEY

OCT 21 2008
BY [Signature]
S. DAVID HOTCHKISS
Assistant City Attorney

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit

[Signature]
(Signature of Holder)
H. David Nahai

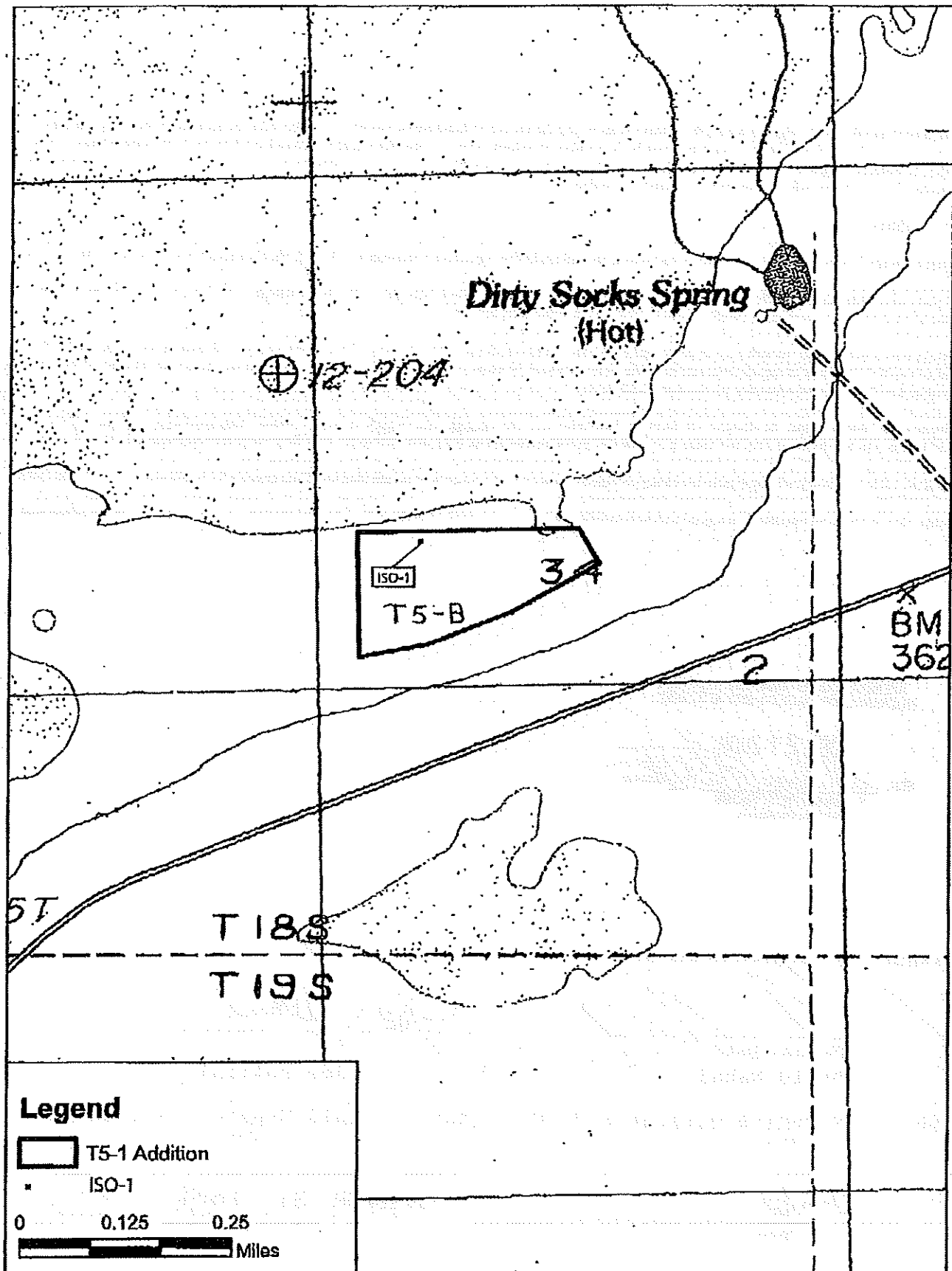
LADWP Chief Executive Officer and CM
(Title)

[Signature]
(Signature of Authorized Officer)
Joe Pollini

Acting Field Manager, Bishop FO
(Title)

10/27/08
(Date)

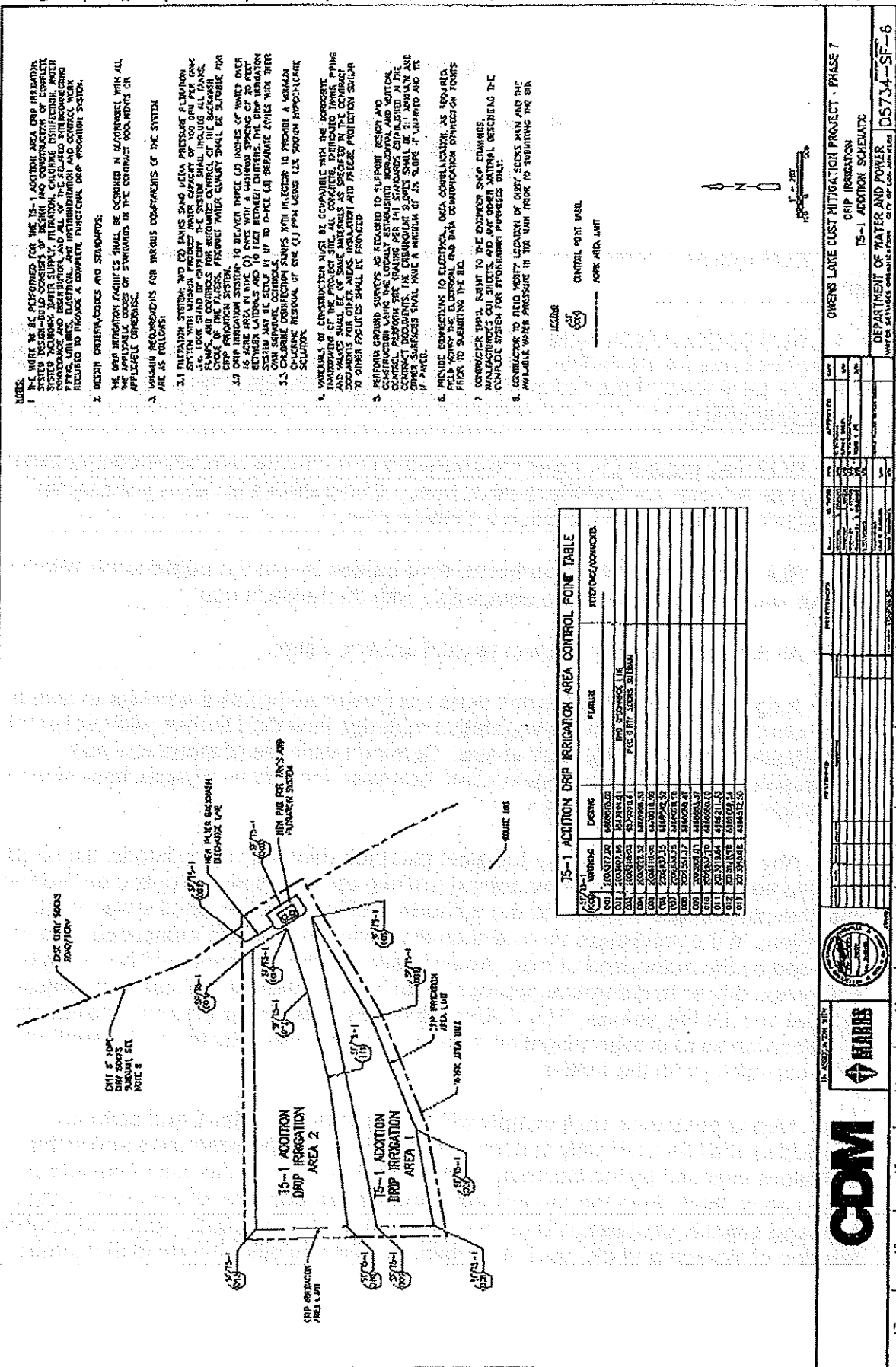
OCTOBER 31, 2008
(Effective Date of Grant)



USGS Vermillion Canyon 7.5' Quadrangle 1994

Figure 2. Survey Area and ISO-1
Phase 7 Owens Lake Dust Mitigation Program

EXHIBIT A 10-15-08 *[Signature]*



D5734-SF-6

EXHIBIT C**Right-of Way Stipulations
CACA 050145
October 15, 2008**

1. BLM retains a continuing right of access to enter the public land covered by the grant.
2. BLM retains a continuing right to enter physically any part of a facility constructed on a right-of-way for inspection, monitoring, or any other purpose consistent with the needs or obligations of the United States. This right is subject to giving the holder reasonable notice.
3. BLM may require the holder to share the right-of-way with other compatible right-of-way use or other compatible multiple uses. Compatibility is determined by the authorized officer after consultation with the holder.
4. BLM retains the right to authorize third parties to use the public lands within the right-of-way. Such use shall be compatible with the holder's use.
5. All rights granted are subject to valid existing rights.
6. A right-of-way grant or permit does not give or authorize the holder to take from the public lands any mineral or vegetative material, including timber, without securing authorization under 30 USC 601 et seq. Common varieties of stone and soil necessarily removed during construction, however, may be used elsewhere along the same right-of-way or permit area.
7. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
8. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed

Exhibit C Stipulations
ROW CACA 050145
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necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

9. The holder(s) shall comply with all applicable Federal, State, and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the R/W or any of the R/W facilities, or used in the construction, operation, maintenance or termination of the R/W or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

10. All equipment must be washed prior to entering public land to remove weed seeds or accumulated dirt which may carry weed seeds.

11. LADWP agrees to incorporate any and all mitigations measures which apply to the construction of the pipeline and drip irrigation area for the Dust Control Area (DCA) T5-B (T5-1) project, as cited in the Great Basin Unified Air Pollution Control District 2008 Owens Lake PM10 Planning Area Demonstration of Attainment State Implementation Plan (SIP) Final Subsequent Environmental Impact Report (EIR) Volume I, II, and III. Mitigation measures for the action are located in Volume I Executive Summary of the 2008 State Implementation Plan EIR.

